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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,381	06/23/2006	Daniel Warren	920476-102241	8167
23644 7590 04/07/2009 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786				
EXAMINER				
DOAN, KIET M				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

### Office Action Summary

**Application No.**

10/562,381

**Applicant(s)**

WARREN ET AL.

**Examiner**

KIET DOAN

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 06/05/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 4 and 5 are objected to because of the following informalities: The word "NA-ESRK" needs to spell out in order to clarify and understandable. Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-14, 17 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is noted that "computer programs" do not define any structural and functional interrelationships between computer program and other claimed elements of computer which permit the computer program's functionality to be realized. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claims 12-14, 17 and 20 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent<sup>1</sup> and recent Federal Circuit decisions<sup>2</sup> indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or

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<sup>1</sup> *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

<sup>2</sup> *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transforms underlying subject matter nor is positively tied to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lugo Saucedo et al. (US 7,155,201 B2) in view of Houde (US 5,797,093).

Consider **claims 1, 15, 18, 21, 23, 26 and (12-14, 17, 20 computer program...)**.

Lugo Saucedo teaches a method of routing calls in a communications network comprising the steps of:

at a first network node, receiving location information relating to a subscriber originating a call (Col.5, lines 52-55, Fig.3, step 400 show MSC 42 as read on first node that received location information from MS 10) ;

at said first network node, determining initial routing information based on said location information (Fig.3, step 420 show as first MSC 42 initial routing information);

sending said location information from said first network node to a second network node (Fig.3, step 420 show as sending said location information from first node/MSC 42 to second node/MSC 44);

at said second network node, determining updated routing information based on said location information (Col. 6, lines 23-26, Fig.3, step 450 as determining updated routing information);

sending said updated routing information from said second network node to said first network node (Col.6, lines 26-33, Fig.3 show steps 460 and 470); and

at said first network node, routing said call based on said updated routing information (Col.6, lines 40-48, Fig.3 show steps 480 and 490 that first node/MS 42 routing based on said updated routing information). Lugo Saucedo teaches most of claims limitation but is silent on "routing information".

In an analogous art, Houde teaches "Routing of an emergency cellular telephone call". Further, Houde teaches serving MS 12(1) as read on first node that routing emergency call to appropriate MS 12(n) see Col.3, lines 50-65, Fig.1 Illustrate and described).

Therefore, it would have been obvious at the time the invention was made to modify Lugo Saucedo with Houde's system such that receiving location information and then routing location information when the second node update the location information in order to provide accurate location/position of the user wherever he/she making emergency call.

Consider **claims 2 and 24**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 1, further Houde teaches comprising the step of:

indicating to said second network node that said first network node is capable of receiving said updated routing information (Col. 4, lines 17-36).

Consider **claim 3**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 1, further Houde teaches comprising the step of: sending said initial routing information from said first network node to said second network node (Col.4, lines 32-36 teach routing call between anchor MSC 12(1) and MSC 12(2)).

Consider **claim 6**. The combination of Lugo Saucedo and Houde teach a method of location based routing claimed in claim 1 (see Houde, Title, Col.3, lines 55-61).

Consider **claims 7 and 16**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 1, further Houde teaches wherein said call is an emergency call (Title)

Consider **claim 8**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 1, further Lugo Saucedo wherein said first network node is a Mobile services Switching Centre (Fig.3, MSC 42)..

Consider **claim 9**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 1, further Lugo Saucedo wherein said second network node is a Gateway Mobile Location Centre (Col.2, lines 35-39 teach AMSC as read on Gateway

Mobile Location Centre)

Consider **claim 10**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 9, further Lugo Saucedo wherein said Gateway Mobile Location Centre includes a Zonal Database (Col.4, lines 14-20)..

Consider **claim 11**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 9, further Lugo Saucedo teaches comprising the step of: at said Gateway Mobile Location Centre, communicating with a Zonal Database to determine said updated routing information Col.4, lines 3-20).

Consider **claim 19**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 18, further Houde teach comprising the steps of: determining whether said updated routing information is required; and transmitting one of said updated routing information and a no update required message to said second network node (Col.4, lines 37-60).

Consider **claim 22**. The combination of Lugo Saucedo and Houde teach a node as claimed in claim 21, further Houde teach wherein said processor is physically separated from said node, said node further comprising: communication links to said processor (Fig.1 Illustrate plurality of processor is physically separated from said node/MSC wherein obvious communication links to said processor).

Consider **claim 25**. The combination of Lugo Saucedo and Houde teach a communication network comprising a node according to claim 21. (see Houde, Fig.1 Illustrate as a communication network comprising a node).

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lugo Saucedo et al. (US 7,155,201 B2) in view of Houde (US 5,797,093) and further view of Rhodes et al. (US 6,922,565 B2).

Consider **claim 4**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 1, **but is silent on** wherein said initial routing information includes an initial NA-ESRK.

In an analogous art, **Rhodes teaches** wherein said initial routing information includes an initial NA-ESRK (Col. 4, lines 34-45).

Therefore, it would have been obvious at the time the invention was made to modify Lugo Saucedo and Houde with Rhodes's system such that initial routing information includes an initial NA-ESRK in order to determine and identify the accurate location/position of the original call.

Consider **claim 5**. The combination of Lugo Saucedo and Houde teach a method as claimed in claim 1. Further, Rhodes teaches wherein said updated routing information includes an updated NA-ESRK (Col.6, lines 55-67).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/  
Examiner, Art Unit 2617

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617